

THE
TRYAL
OF
Capt. Henry Wickham,
LATE
COMMANDER
OF
Their MAJESTIES Ship
THE
DIAMOND.

LONDON,
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THE T R Y A L O F

Captain *Henry Wickham, &c.*

Note, That at London some days before the Tryal, Capt. Henry Wickham desired a Copy of the Charge deposed against him, that he might not be surpris'd, but have his Proofs ready as there should be Occasion, but Bathurst, the Judge Advocate, refused it. Capt. Wickham being able to prove that his Lieut. Coleman had sold Nine of his Men at Barbadoes, desired to know of the Judge Advocate the Method of bringing an Indictment against him, and the rather for that he was informed that Coleman was now the Evidence against him, but the Judge Advocate's Answer was, that there was no need of it, for the Charge against Coleman would naturally arise in the Tryal; because when Capt. Wickham should plead the Loss of his Ship was occasioned by the want of Men, he would then have a fair Opportunity to accuse the said Coleman; but notwithstanding this, the Judge Advocate said at the Tryal that Coleman was now the King's Evidence, and whatsoever the Captain had to say against him signified nothing, it being not then a proper time to accuse an Evidence.

The T R Y A L.

At a Court-Marshall holden on Board the *Britannia* at Spithead, the day of April, 1694.

Present,

Edward Russel, Esq; Admiral, Lord Berkley, &c.

Judge Advocate. **C**apt. Wickham. You are brought here to answer for the King's Ship *The Diamond*, wich was lost under your Command, and here are several Depositions against you:

Whereupon Lieut. Coleman was called, and his Deposition read, (which had been penn'd with as much Art and Cunning as possible) the Heads whereof were as follows —

1. That Capt. Wickham sold thirty or forty of his Men to the Merchants Ships at Barbadoes.
2. That he did not order the Ship in a readines when the Engagement approacht.
3. That he the said Coleman did advise Capt. Wickham to take some Men out of the said Merchants Ships under his Convoy.
4. That Capt Wickham came down between Decks, and said we must take Quarter.

B

Capt.

Coleman's Deposition was worded by himself as if I know of Men he has not great cunning -

He stay'd a considerable time in France, & had many after he came over, & might have had time to consider of his defence.
 Capt. *Wickham*. I have been denyed a Copy of my Charge, and I therefore pray I may have time to recollect, before I give an Answer to those Accusations.

Mr. *Russel*. Sir, you had time enough to prepare your self for the Tryal.

Capt. *Wickham*. Sir, This Gentleman that has thus accused me, knew very well that I would lay the Loss of the Ship to his charge, for selling Nine or Ten of my best Men a few dayes before we left *Barbadoes*, as is well known to Coll. *Hott* and Major *Delaval*, who are now ready to attest the Truth of it.

Judge *Advocate*. He is the King's Evidence, and his Deposition is good against you.

Capt. *Wickham*. Here is a Paper under this Lieutenants Hand, when the Action was fresh in his Memory, wherein he has given a true account of the whole Matter, and is contradictory to what he now alledges, and I therefore desire this Paper may be read.

Judge *Advocate*. It signifies nothing, he has sworn to the contrary, what he has sworn is to be believed.

Mr. *Russel*. It signifies nothing.

Capt. *Wickham*. You do not know what is in it, and I beg it may be read, the Action was fresh in their memories when they signed it at *St. Maloes*, it was their voluntary Act, and they are Witnesses one for the other.

Judge *Advocate*. It will do you no good, they are Evidence for the King, and they have sworn to the contrary.

Mr. *Russel*. No, it will do you no good, they have sworn to the contrary.

Capt. *Wickham*. If it will do no good, I desire however it may be read, because it will make them appear to be a pack of Villains.

Mr. *Russel*. Come Sir, come to the Business, the Kings Ship is lost, by your selling thirty or forty men, as your Lieutenant has sworn; what have you to say to that?

Capt. *Wickham*. I beg liberty of the Court to ask Lieut. *Coleman* a question.

Court. Ay, pray do.

Capt. *Wickham*. Do not you own that you signed a Certificate at *St. Maloes* of the Action?

Lieut. *Coleman*. Yes.

Capt. *Wickham*. Was it not your Voluntary Act?

Lieut. *Coleman*. I don't know but I might have been detained there, if I had not signed it.

Capt. *Wickham*. Have not you owned since you came for *England*, that I behaved my self with as much Honour in that days Action, as any man in the World, for that (as I am told) was your Expression?

Lieut. *Coleman*. I never said such a Word.

Capt. *Wickham*. Then I pray the Court to give me leave to call in three or four Witnesses, Lieut. *Fisher*, Lieut. of the *St. Michael*, Mr. *Burchet* the Admirals Secretary, &c. Who will all certifie they heard him highly commend my Behaviour in that Days Action, and said that I was very unjustly abused by the Mob.

Judge *Advocate*. It signifies nothing to call your Witnesses, nor can what they say be any thing to your Advantage, for *Coleman* is upon his Oath, and denies all.

Mr. *Russel*. What have you to say concerning your selling thirty or forty Men?

Capt. *Wickham*. What Men I spared to the Merchant-men were their own, or in lieu of some of those I had taken from them at their first coming to *Barbadoes*, if I had not returned them part, they must never have sailed from thence.

He stay'd a considerable time in France, & had many after he came over, & might have had time to consider of his defence.

He stay'd a considerable time in France, & had many after he came over, & might have had time to consider of his defence.

When he first came to London, would to meet me, & desired to see me very much.

but

Wickham is in the wrong, say I was desired to justify it, for I was at the Court, & saw such things as were demanded.

thence. And moreover, their Majesties Orders are positive against the disabling Homeward-bound Ships, and that upon Miscarriage in such cases the Captain shall be answerable for the loss of them; but I had Sir Francis Wheeler's Orders to assist all the Ships under my Convoy, as much as was possible: I never took a bribe of any Man, neither did I spare above twelve Men among the thirty Ships that came with us from Barbadoes, and those were to such as I had disabled. I can prove that Lieut. Coleman sold nine or ten of my best Men at our coming away, as is well known to Coll. Holt and Maj. Delaval, who are both here, and will swear to the Truth of it; upon this a man was called, who said that he and two more were put on board one Elderidge at Barbadoes, and that he was told that Captain Wickham had a Reward of fifteen Guineas.

Capt. Wickham. I did put that Man and two more on board that Ship, I do acknowledge, but it was by order of Sir Francis Wheeler, and here is under the Masters Hand to avouch that I had of him no manner of Consideration for the said Men, but spared them to him in Obedience of Sir Francis Wheeler's Orders.

The Man own'd it was done while Sir Francis Wheeler was there.

Then the Gunner's Depositions were read, which agreed with the Lieutenants, that the Ship was not in so good a condition to receive the Enemy as she ought to have been, and by the Captains Neglect; and that he the said Gunner spoke to the Captain five or six times to get more Guns out below, and that the Captain replied, No, it signified nothing, only put out four more to windward.

The Carpenters Depositions were read, that the Captain did not order more Ports to be knockt open than the Gunner speaks of.

Mr. Russel. Why was not your Ship in a Readiness when the Enemy approacht?

Capt Wickham. I ordered the lower Guns to be run out, so far as a Gun before the Main-Mast, which was a great many more than I had hands to manage, and if more Ports had been opened, not having Men to defend them, it would but have exposed us the more to the Enemies small shot, having many Occasions in time of Battle to run forward for Powder and other necessaries at such a time; and besides, it was giving them more breaches to enter in at, when they boarded us: This was what I was cautious of: And the Enemies made themselves Masters of those ports we had open, for want of Men to defend them, as soon as any other part of the Ship. A fortnight before we come near the Channel, I ordered all the Sea-ments Chests into the Hold, all the Cabbins to be knockt down upon the Gun-Deck, that all might be clear at a minutes warning, and this very Gunner, as well as my Lieutenant, hath often said to me, that we were in such a readiness, that it was impossible we should be surpris'd by an Enemy. I several times told them and the other Officers, that if any thing they could think of in the Ship were out of Order, they should acquaint me with it, and if we had had success, they would have remembered the care I took at all times to have my Ship in a readiness to enter upon Service. They both own that I order'd them to manage the Gun-Deck, and that to be their Charge, and all the Men to their Quarters there, and yet they have sworn that I would not suffer more than five or six Guns to be put out; we were engaged three quarters of an hour before we were boarded, and for them to employ forty of such hands as we had at four Guns or six, is somewhat strange, having twenty spare Guns by them, which they themselves might have run out in a minute, or as many of them as they could have managed. I appointed my Lieutenant and Gunner to do the best Service they could upon that

He had ord. from Sir Francis Wheeler to assist all the ships under his convoy, but it was not his intention of those who were put on board his own.

Why not four more Leeward all the way, for he could be tell how the Enemy might attack him?

I think it was his Duty, not to depend on the aid of his officers, he himself being well as a ship's condition —

&

as he had forty men engaged at 4 or 6 Guns, he himself might be killed, then better to keep it not by standing with sword on the quarter Deck, confined himself in that particular place especially near his post L. as he

that Deck, and if there was not Service done, it was their fault and not mine. I managed the upper Deck to the utmost of my Power, without any assistance; my Master was bed-ridden, the Eldest Lieutenant distracted, and in a little time the chief Mate was blown up; and if this Lieutenant and Gunner had not more Guns below out, (altho' they had my express order for it) they should have come up upon Deck, and help'd to have defended the Ship there, but Coll. *Holt*, Capt. *Garth*, Capt. *Hutchinson*, and my self, were left alone, as they are ready to certify, after we were boarded by the Ship of forty Guns, and three hundred Men, and entered by Ninety at least; they can likewise witness whether this Lieutenant and Gunner came to assist us with any of the Men they had with them, tho' I called to them several times, and did what I was able to get them to our assistance, but they thought themselves safe, and very well knew upon whom the blame of all would be laid. If they had been the Men they pretended to be, they would have done something extraordinary with the Men they had, and if they had not done it out of their Zeal for the Service of their King and Countrey, yet I did verily believe the favour I had shown them would have inclined them to have stood by me in such an Exigency, and not have left me to shift for my self. Capt. *Garth* can testify, that when he and I retreated upon the Gun-Deck, in hopes to joyn some of our Men there: We found the Enemy was entred, and we saw not beside the Gunner above three of our Ships Company.

Mr. *Russell*. Why did not you take the Men out of the Merchants Ships?

Capt. *Wickham*. The Merchants Ships in our Company were so weak, that I should have run a great hazard in disabling them at Sea, for the Enemy having two good Ships, and the Advantage of their sailing, one of them might have kept me in play whilst the other had taken all the Merchant-Men, and then I must have been accountable for their loss, the Merchants would have said two Privateers would never have attempted a Man of War and a Fire-ship, tho' I had been ill manned. But besides this, most of them kept to windward, and at such a Distance that my Boat might have been intercepted by the Enemy, and then I must have suffered for sending away the Boat at such a time with so many Men.

Judge Advocate. Why did you go down between Decks, and tell them they must take Quarter?

Capt. *Wickham*. Coll. *Holt*, Capt. *Garth* and *Hutchinson*, can all testify, that I was so far from asking quarter, that I stood with those three Gentlemen in our Steerage, till at last having neither Officer nor Seamen to stand by me, forty French Men were in the Great Cabbin, Coll. *Holt*, and Capt. *Hutchinson* were seiz'd in the Steerage, and Capt. *Garth* and my self leapt down between Decks, in hopes to joyn some of our Men there, but instead of meeting with them, were immediately engaged there with three or four French Men, one of which he killed with his Sword, I wounded another of them, and then were we presently blown up, and both suffocated, as the said Captain *Garth* will testify upon his Oath.

Then the Purfers Deposition was read, purporting, that after the Ship was engaged, he retreated into the Forecastle with seven or eight Men, and defended that till he heard the Captain had taken Quarter.

Another Man deposed, that he saw Captain *Wickham* in the Hold, after the Ship was blown up between Decks.

Mr. *Russell*. What have you to say to this Captain?

Capt. *Wickham*. I beg leave to ask this Man some Questions.

Court. Ay, Ay,

Capt. *Wickham*. At what time did you see me in the Hold?

Man.

was in his power to
we kept always to
windward of the
Merchant Ships, and if
had done, there would
have been no danger of
losing his Boats in
seeing men from them.

lost of my remembrance
the Evidence of Land Officers
we was chiefly to catch
their own Courage, &
not much of Capt. *Wickham*,
always plainly proved to
me that he was a
considerable time in the hold
seen there by his men,
which he did not deny,
it said he was amazed at
being blown up &
was not for an hour when
he was —

Man. After the Ship was blown up between decks.

Capt. Wickham. Will you swear to what you say?

Judge Advocate. He has taken his Oath, —

Capt. Wickham. Where was *Coll. Holt*, *Capt. Hutchinson* and *Capt. Garth*, when you saw me in the Hold?

Man. *Coll. Holt*, *Hutchinson* and *Garth* were between Decks.

Capt. Wickham. Will you swear to that?

Man. I have sworn it.

Capt. Wickham. It is as true, that I was in the Hold, as that they were between decks, I therefore pray the Court to take Notice what this Fellow says he has sworn to, and examine *Coll. Holt* and *Capt. Hutchinson*, whether they were between Decks in my Ship in that days Action.

Mr. Russell. It signifies nothing to ask them.

Court. Call *Coll. Holt* and *Capt. Hutchinson*, which was done.

Court. Was *Capt. Wickham* in the Hold after the Ship blew up between decks.

Coll. Holt and *Capt. Hutchinson.* We were both seized by the French in the Steerage in the Captains Presence, before the Ship blew up between decks, and we declare, that neither of us were between decks in *Capt. Wickham's* Ship that day, but upon their seizing of us, the Captain jumped from us down between decks, and Captain *Garth* followed him.

Court. *Capt. Wickham* have you any thing more to say to this man?

Capt. Wickham. Yes, I hope the Court will take notice he is forsworn, and besides, I have his Hand and all theirs that have sworn against me to contradict what they have said, and have Evidence ready to make it appear that most of my Officers owned for the first Month after they came for England, that they had signed and left a Paper in my Hands, containing a true account of the Action, and that while they speak well of me, they were in danger of having their bones broke, and could not have Preference, I therefore again pray that this Paper so signed may be read.

Court. Read that Paper.

Clerk reads as follows.

We the Officers and Seamen belonging to their Majesties Ship The Diamond, do testifie, that on the 20th. of September, about 11 in the morning, we engaged with two French Frigats, one of forty Guns, the other of thirty four, that of thirty four engaged us first to the windward nigh an hour, within half Musquet shot, in which times she killed and wounded us several Men, the other boarded us upon the Lee-quarter, having on board him two hundred and eighty men, they entred us in the Gun Room, great Cabbin and Quarter-deck, where we fought them above half an hour after they were entred, and cut down our Colours, having fifty of our best men killed and wounded, and not above eighty men well on board when we began, several being very weak with the flux, our Company with boys not exceeding one hundred and forty; we were so weak at last, and their number so great, that one after the other as they seized us took quarter, being almost suffocated with their Stink-pots and Granado-shells, which they hove in at the ports and holes they tore with their great Guns in our quarter. We likewise declare, that our Captain to the utmost of his power did Encourage us, and defend their Majesties Ship, as long as it was possible with so weak a number as remained, to which we subscribe our hands the 27th. of September, 1693.

Robert Colemam, Lieut.

John Shales

Robert Hemmens, Boatswain,

Thomas Ursgate, Carpenter.

to the Number of Forty Nine.

When half the Paper was read, Captain *Wickham* interrupted, and said —
Capt. Wickham. I hope, Gentlemen, you will allow the Kings Ship was fought

The Lt. as I said before at first justify his say but what made him offer give another of him afterwards I cannot tell, but I believe it was not a case of preference for they could have had the matter waded, nor can I see they run any danger of having their bones broke.

fought for, where there was fifty two killed and wounded out of eighty, and you will find when my Witnesses are called, their Declaration will agree with this Paper, which is a true account of the Action.

Mr. Ruffel. Sir, You are not to fortell what your Witnesses will say for you, they shall be heard, when we have done with the Kings Evidence.

Two or Three of the Ships Company were called.

Court. What have you to say against Captain Wickham?

Two or Three of the Ships Company. We believe our Ship was lost for want of Good Conduct in the Captain, for that he seemed to be in great disorder and consternation.

Capt. Wickham. I think it very hard that my Swabbers shall be asked how I behaved my self in that Action, when there were indifferent Persons, and Men of Honour on board, who were great Sufferers by our Misfortune; they are here, and I desire the Court will hear their Declarations.

Court. Call Coll. Holt. He appeareth.

Court. What account can you give as to the Loss of *The Diamond*.

Coll. Holt. Sir, To my Knowledge Capt. Wickham did his utmost endeavour to defend the Ship as long as it was possible, and they wrong him who say to the contrary. I remember very well, after we were boarded by the *Philippo*, upon the Starboard-quarter, the Captain order'd every Body to their clole quarter, and Capt. Hutchinson, who was shot thro' the arm, Major Garth and my self retired along with the Captain off the Quarter-Deck into the Steerage, the *French* at the same time entering at the Gallery in the great Cabbin; we defended the Steerage as long as it was possible; I verily believe the Ship that boarded us had forty Guns, and three hundred Men, and at the same time the Captain had no body to stand by him but the Gentlemen which I have named, tho' he endeavoured what he could to get more men to our assistance. We had some Powder fired in the Steerage by their Granado-shells, which almost suffocated us, and I saw it was to no purpose for us to pretend to hold out much longer, unless we had had more men, being at that time not above four or five to defend the Steerage, the rest of the Men being run away: The great Cabbin was full of the *French*, who were then entering in every where, the other Ship of thirty six Guns within half Pistol shot upon our Weather bow. In this Condition Capt. Hutchinson and my self were seized on by the *French*, both of us took quarter, and the Captain and Major Garth jumpt down between Decks. I saw a Declaration signed by Capt. Wickham's Officers and Sea-men at *St. Maloes*, which gives a true Account of the Action, it expresses the Men we had Killed and Wounded, and also the weak Condition we were in when we began to Engage. If the Captain of the Fire-ship had acted his part, I verily believe we should not have miscarried in that dayes Action.

Mr. Ruffel. Coll. Holt is a Land-man, and those that are the King's Evidence, being Seamen, are better Judges in such a Case.

Court. Withdraw.

Court. Call Capt. Hutchinson. He appears.

Court. What can you say as to the Loss of *The Diamond*?

Capt. Hutchinson. When we saw the Enemy first in the Morning, I heard the Captain order the Ship should be cleared, and all things ready to engage, he immediately brought too, to stay for the Merchant-men, and made them a Sign to give Notice to them to clear their Ships; I heard Capt. Wickham call to Capt. Perry in the Fire-Ship to keep close under his Lee-quarter, within call, and when we made the two Ships plain to be *French-men*, the Captain ordered all the Ships Company up-
on

Capt. Wickham's
deposition is
in favour of
the officers &
more best
conduct.

Fire-ship I think
to have been
in the way of
my weather Quarter
that might have prevented
being boarded. at

and he ought to have worked his ship in such
manner, as to have given the *French* opportunity
of being wounded of him, or to have set
fire to the *French* ship upon his attempting to board him.

on Deck, told them to this effect, that they had now an Opportunity to do their Majesties Service, added, that the Enemies Ships were small ones, and we must fight a dozen such as they were; he took particular Notice that none of his Men were drunk, and drank their Majesties Healths to them, afterwards ordered every Man to his Quarters. I remember one of the Ships came first upon our Larboard-side, pretty near, and we fired warmly one at the other for a considerable time, and I observed this Ship did us very much Damage: Then the other of forty Guns, and I verily believe three Hundred good Men, fired their Broad-side in our Star-board quarter, and boarded us there; presently after the Captain upon their Boarding us, ordered every body to their close Quarters, and at that time I took Notice, that upon the Quarter-deck, where I and the rest of the Land-Officers were with Capt. *Wickham*, there were not above five left but were Killed or Wounded, the Enemies small-shot did us so much damage there. Coll. *Holt*, Major *Garth* and my self, along with the Captain, retired into the Steerage, which place we defended as long as we could. Major *Garth* guarded the great Cabbin-door with a Blunderbuss, it being then in the Enemies possession: Their Granado-shells fired some Powder in the Steerage, which almost suffocated us all; and I observed the Captain received much Damage at that time; there was no body but the Gentlemen I have named, and a Boy along with us, besides what were disabled, tho' the Captain did his utmost Endeavour to get more to our assistance, the great Cabbin being full of the *French*, Coll. *Holt* and my self seeing there was no possibility of any longer resistance, being seized on took quarter. Captain *Wickham* and Major *Garth* leapt down between Decks, I verily believe that in the two Ships the *French* had five hundred good men.

Mr. *Russel* interrupted Captain *Hutchinson* in his Declaration, and said he was a Land-man, and not a proper Judge of Sea-matters.

Capt. *Hutchinson*. Sir, I had Eyes, and could see who fought, and who did not.

Court. Withdraw.

Court. Call Major *Garth*.

Maj. *Garth*. I desire to be Sworn.

Judge Advocate. Sir, you are to declare what you know without being sworn, since you are not an Evidence for the King.

Maj. *Garth*. I saw Capt. *Wickham* all the Action, and know he did as much as was possible to defend their Majesties Ship, after we were boarded by a Ship of forty Guns, and three hundred Men, by the Captains Orders we retired to our close Quarters, and there was not one of his own Men stood by him, or was along with us in the Steerage, besides Coll. *Holt*, Capt. *Hutchinson* wounded in the Arm, my self and a Boy, tho' the Capt. endeavoured as much as he could to get more to our assistance, the Great Cabbin was then full of *French* Men, who entered at the Star-board-gallery, which they laid open with their great shot. I defended the Cabbin door with a Blunderbuss as long as I was able, till at last they seized Coll. *Holt*, and Capt. *Hutchinson* at the same time: Capt. *Wickham* and I jumped down between decks, in hopes to joyn with some of our Men there, but the first we met with were four *French* Men, who asked us to take quarter, but we engaged with them; and I my self killed one, and threw another of them towards Capt. *Wickham*; and in this condition we were both of us blown up, and quite suffocated. I do likewise declare, that I did not see besides the Gunner, above three of our men upon the Gun deck, and whoever says that Capt. *Wickham* did not to the utmost of his Power endeavour to defend their Majesties Ship,

Is false.

*I think it is not very probable that French men should be found hood off ship, before she was actually surrendered, because it is natural to believe that they would first make themselves Ma-
as of the upper part, & not expose themselves below with such force as they were in.*

as long as any body stood by him, wrongs him to the greatest degree in the World.

Court. Captain *Wickham*, have you any more Evidence?

Capt. Wickham. Yes, I have Evidence enough to prove the truth of the Paper signed by my Officers at *St. Maloes*, and that they stood to it a Month after they came for *England*, but for the Reasons aforesaid they durst not speak well of me, and I therefore pray my Witnesses may be called.

Judge Advocate. Captain *Wickham*, your Witnesses as to this matter signify nothing, the Kings Evidence have sworn the contrary.

Capt. Wickham. If you will not suffer my Witnesses to be called, who are ready to prove that my Officers have been corrupted since they came into *England*, I pray that you will call in *Coll. Holt*, *Capt. Hutchinson*, and *Capt. Garth*, who were indifferent Persons in the action, and hear what they have to say in favour of those men, who are Evidence against me: They have already declared that I did my utmost Endeavour to defend their Majesties Ship, as long as I had any to stand by me.

Mr. Russel. They are the Kings Evidence, and need no Mans Certificate.

Court. Captain *Wickham*, have you any more to say?

Capt. Wickham. No, if you deny me such reasonable requests, I have nothing farther to desire, only that the Court will consider that fifty two men being killed out of eighty is an Argument that the Kings Ship was fought for; this was attested at *St. Maloes* by all the Ships Company that remained, and I have given their Declaration already into the Board under their own Hands. I have something to say against *Capt. Perry*, the Commander of the Fire ship, and I desire I may be heard when he is called in, upon which *Capt. Perry* was called, and after his Officers were Examined, *Capt. Wickham* was sent for.

Mr. Russel. What have you to charge *Capt. Perry* with, *Capt. Wickham*?

Capt. Wickham. Sir, *Capt. Perry* might with ease have intercepted the *French's* boarding of us, if he had but kept in the Station I ordered him, which was to lye close under our Lee-quarter, within Call; and that was my Orders to him, in the hearing of his Ships-company as well as mine; besides, I made no Sail but our Top-sail half-mast, that he should have no Excuse for being out of the way.

Capt. Perry. I was in the station you ordered me to lye in.

Capt. Wickham. If you were, then you quitted it to the Enemy, for we were boarded upon the same quarter I ordered him to lye, which they could not have done without being on board of him, if he had been in his station, as he pretends he was; I appeal to the Court-Marshal, whether it was possible for the Enemy to have boarded us where they did, if *Capt. Perry* had not sheered from them as they past him.

Capt. Perry. You were to have made me a Sign with your Sprit-sail Top sail, which I have to show under your hand.

Capt. Wickham. Yes, I own it, but you well knew that was in case I could not speak with you before we engaged; if so, I was to have made you the sign you speak of, but this caution was added to my Orders, that Accidents might happen which might hinder us from making the sign aforesaid, therefore when we saw an Enemy, I ordered him to use his utmost Endeavour to get within call of me and that I would then appoint him a station, where I thought it most proper: He likewise knew, I chiefly depended upon his intercepting the Enemies boarding of us, if he saw them attempt it, and that was my Orders to him, and his not doing it was the loss of our Ship: Nay, his own Master prompted him to board the Enemy as they past him, which I can prove; *Capt. Perrys* answer was, he would

not

*The Capt. off French
is not blameable, for
he did not his duty,
but Wickham gave
him no written
order what to do
before the Enemy met
him, nor Verbal
order at their approach*

not be Fool-hardy, and at the same time commanded the Helm, a Weather, which I think was plainly sheering from them, his Master likewise minded him of our weak condition, and told him to this Effect, that the Enemy had four times our number on board, and would certainly carry us, if he did not endeavour to intercept them; at this time the other Ship of thirty six Guns, and two hundred men, lay within half Pistol-shot, upon our Weather-bow, which Capt. Perry could not but see. But besides all this, not half an hour before we engaged, he sent his Boat on board me for a barrel of Powder to prime his Ship, which was a great Token of his Readiness to go upon Service, when he had concealed his want of Powder till that time of day, tho' he had in our passage, I am certain, been twenty several times on board me, without making the least complaint of any manner of want; neither did he so much as open his Sally-port, which the French declared themselves, that if they had suspected him to have been a Fire-ship, they durst not have attempted what they did. The Ship that Boarded us past by Capt. Perry without so much as firing on shot, great or small, at him, neither had he one man hurt in the Action: He knew I had not above eighty well men in the Ship, and might have reasonably concluded we must needs have some of them shot down in that time, the Ship of thirty six Guns having then engaged us near three quarters of an hour, within half Pistol shot, and the *Phillipo* which past him and boarded us, had forty Guns, and three hundred and odd men, they were plain enough to be seen by Capt. Perry, for they were mann'd half shrowds high, as thick as they could stand on the contrary side to him, ready to enter us as soon as they got on board. I am certain Capt. Perry cannot pretend they blinded him with the smook of their Guns, as they past by him; for, as I said before, they did not fire one great Gun, or small one at him, but just as they boarded us, fetched a large sheer, and fired a whole broad-side in at our quarter. This was all the Service Capt. Perry did me in that unhappy days action, and I hope the Court-Marshal will take it into their consideration, and likewise please to consider how impossible it was for me to have the Ship better mann'd then we were, after serving four years in a Country so sickly, that two died out of three on board all the Ships that came into those parts, in that time. Besides what I have already laid to Capt. Perry's Charge, I can prove he had Sugar and Rum on board, to the value of three or four hundred pounds, which was no small temptation to him to preserve his Ship, for the sake of so considerable a Cargo.

Court. Withdraw.

After an hours consideration, Capt. Wickham was called in.

Mr. Ruffel. Capt. Wickham, the Court-Marshal has befriended you, they have sentenced you ten years Imprisonment, and to pay a Thousand pounds to their Majesties.

Note that in the whole Court-Marshal there were thirty four Commanders against, and fourteen for Capt. Wickhams suffering Death.

Capt. Perry sentenced the same with Capt. Wickham, notwithstanding there were twenty four of the Court-Marshal for his suffering Death, and but twenty five against it.

Both one & the other are blamable, the Capt. of the Fire-ship for not being in condition & Capt. Wickham for not making a timely enquiry - whether she was so

&c

He ought probably to have prevented his taking any thing on board w^{ch} might render his navigation

I believe Capt. Wickham tho' he, for after withdrawing his offer to lay six Guinea's to one he should be condemned to be shot -

Extract of a Court-Martial, held on Board their Majesties
Ship the *Brittania*, at Spithead, the 30th. of April, 1694.

Captain Henry Wickham, late Commander of their Majesties Ship The Diamond, was accused for the Loss of the said Ship, by surrendering her to the Enemy, she being taken by two French Privateers on the 20th. day of September last, off Cape Clear on the Coast of Ireland, after a strict Enquiry into the aforesaid Charge, and the examination of many Witnesses upon Oath, it appear'd to the Court, that Capt. Wickham did not use fit means to man his Ship out of the Merchants Ships, and also that he was wanting in his Conduct in the Defence of his Ship, and that he falls under the tenth Article, but in regard several Officers of the Army, who were on Board him did testify that the Diamond was very thinly mann'd, and that they had also many Men kill'd and wounded, and that the men forsook their Quarters before she was surrendered; the Court does resolve that Capt. Henry Wickham shall be only fined One Thousand Pounds to the King, and that he be imprisoned for the Space of Ten Years.

This is a True Copy of the Original Paper remaining in the Admiralty Office.

T. PARMITER.

FINIS.

